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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-955

13 **CHRISTINA ANN BEUCK**  
14 **11619 Midway Drive**  
15 **Cypress, CA 90630**

**A C C U S A T I O N**

16 **Registered Nurse License No. 442982**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about August 31, 1989, the Board of Registered Nursing issued Registered  
24 Nurse License Number 442982 to Christina Ann Beuck (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on February 28, 2015, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time.

## STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee."

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive

1 evidence of the fact that the conviction occurred, but only of that fact, and the board  
2 may inquire into the circumstances surrounding the commission of the crime in  
order to fix the degree of discipline or to determine if the conviction is substantially  
related to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
4 'registration.'

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse  
or deny an application for a certificate or license for any of the following:

7 (a) Unprofessional conduct, which includes, but is not limited to, the  
8 following:

9 ...

10 (f) Conviction of a felony or of any offense substantially related to the  
11 qualifications, functions, and duties of a registered nurse, in which event the record  
of the conviction shall be conclusive evidence thereof.

12 ....

13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the  
15 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a  
person licensed under this chapter to do any of the following:

16 ....

17 (b) Use of any controlled substance as defined in Division 10 (commencing  
with Section 11000) of the Health and Safety Code, or any dangerous drug or  
18 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or  
in a manner dangerous or injurious to himself or herself, any other person, or the  
19 public or to the extent that such use impairs his or her ability to conduct with safety  
to the public the practice authorized by his or her license.

20 (c) Be convicted of a criminal offense involving the prescription,  
consumption, or self-administration of any of the substances described in  
21 subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
record pertaining to, the substances described in subdivision (a) of this section, in  
22 which event the record of the conviction is conclusive evidence thereof.

23 **REGULATORY PROVISIONS**

24 11. California Code of Regulations, title 16, section 1444, states:

25 A conviction or act shall be considered to be substantially related to the  
26 qualifications, functions or duties of a registered nurse if to a substantial degree it  
evidences the present or potential unfitness of a registered nurse to practice in a  
27 manner consistent with the public health, safety, or welfare. Such convictions or  
acts shall include but not be limited to the following:

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1 (a) Assaultive or abusive conduct including, but not limited to, those  
violations listed in subdivision (d) of Penal Code Section 11160.

2 (b) Failure to comply with any mandatory reporting requirements.

3 (c) Theft, dishonesty, fraud, or deceit.

4 (d) Any conviction or act subject to an order of registration pursuant to  
5 Section 290 of the Penal Code.

6 12. California Code of Regulations, title 16, section 1445(b), states:

7 When considering the suspension or revocation of a license on the grounds  
8 that a registered nurse has been convicted of a crime, the board, in evaluating the  
9 rehabilitation of such person and his/her eligibility for a license will consider the  
following criteria:

10 (1) Nature and severity of the act(s) or offense(s).

11 (2) Total criminal record.

12 (3) The time that has elapsed since commission of the act(s) or offense(s).

13 (4) Whether the licensee has complied with any terms of parole, probation,  
restitution or any other sanctions lawfully imposed against the licensee.

14 (5) If applicable, evidence of expungement proceedings pursuant to Section  
15 1203.4 of the Penal Code.

16 (6) Evidence, if any, of rehabilitation submitted by the licensee.

### 17 COST RECOVERY

18 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
19 administrative law judge to direct a licentiate found to have committed a violation or violations of  
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
21 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
22 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
23 included in a stipulated settlement.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(December 20, 2006 Criminal Conviction for DUI on October 20, 2006)**

3 14. Respondent is subject to disciplinary action under Code sections 490 and 2761,  
4 subdivision (f) of the Code, in that Respondent was convicted of a crime substantially related to  
5 the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

6 15. On or about December 20, 2006, in a criminal proceeding entitled *The People of the*  
7 *State of California v. Christina Ann Beuck*, in the Superior Court of California, County of Mono,  
8 in Case No. MMI06005724, Respondent was convicted on her plea of nolo contendere of  
9 violating Vehicle Code section 23152(a) (DUI), a misdemeanor. As a result of a plea bargain, a  
10 count for violating Vehicle Code section 23152(b) (driving with a blood alcohol content of 0.08%  
11 or more) was dismissed.

12 16. As a result of the above conviction, the Court placed Respondent on 3 years summary  
13 probation and ordered her to pay various fines and fees and enroll in and complete a First  
14 Offender DUI Program.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(August 17, 2011 Criminal Conviction for Driving With Blood Alcohol Content**  
17 **of 0.08% or more [0.9%] on December 22, 2010)**

18 17. Respondent is subject to disciplinary action under Code sections 490 and 2761,  
19 subdivision (f) of the Code, in that Respondent was convicted of a crime substantially related to  
20 the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

21 18. On or about August 17, 2011, in a criminal proceeding entitled *The People of the*  
22 *State of California v. Christina Ann Beuck*, in the Superior Court of California, County of Orange,  
23 West Justice Center, in Case No. 11WM00335, Respondent was convicted on her plea of guilty  
24 of violating Vehicle Code section 23152(b) (driving with a blood alcohol content of 0.08% or  
25 more [(0.9% BAC)], a misdemeanor. As a result of a plea bargain, a count for violating Vehicle  
26 Code section 23152(a) (DUI), a misdemeanor, was dismissed.

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1        19. As a result of the conviction, the Court placed Respondent on five (5) years informal  
2 probation and ordered her to serve 45 days in the Orange County Jail, with zero credit for time  
3 served, violate no laws, orders, rules and regulations of the Court, not drive a motor vehicle with  
4 a measurable amount of alcohol or drugs in blood, submit to a chemical test of blood, breath, or  
5 urine on demand of any peace officer or probation officer, not drive without a valid driver's  
6 license in her possession, not drive without proof of valid auto liability insurance or financial  
7 responsibility, use true name and date of birth at all times, and disclose terms and conditions of  
8 probation when asked by any law enforcement officer. The Court also ordered Respondent to  
9 enroll in and complete an 18-month Multiple Offender Alcohol Program.

10        20. The circumstances that led to the conviction are that on December 22, 2010, at  
11 approximately 7:30 p.m., Seal Beach Police Department Officers responded to a report of a  
12 collision involving a possible intoxicated driver at Lampson Avenue and Candleberry Street in  
13 Seal Beach, California. The police dispatcher advised that the reporting party/witness had been  
14 following an SUV that was weaving in and out of lanes before it struck the east curb on Lampson  
15 Avenue which caused the right front and right rear tires of the SUV to blowout. Upon arrival,  
16 Officers made contact with the driver of the SUV (Respondent). Officers observed that  
17 Respondent's speech was slurred, that her eyes were bloodshot and watery, and officers could  
18 smell a strong odor of an alcoholic beverage emitting from respondent's breath and person.  
19 Officers asked Respondent if she had consumed any alcoholic beverages that evening and  
20 Respondent replied that she had consumed two beers. Officers had Respondent perform field  
21 sobriety tests which she failed. A breathalyzer tests revealed that Respondent blood alcohol  
22 content was 0.9%.

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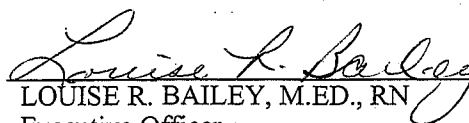
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3. Taking such other and further action as deemed necessary and proper.

DATED: April 23, 2013



LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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